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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,595	01/08/2002	Robert W. Tritchler	GRC 19.329 (100671-00050)	6456
26304	7590	11/19/2003	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,595

Applicant(s)

TRITCHLER ET AL.

Examiner

Aaron M Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 14-18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 12, 14-18 and 21 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/23/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings were received on 7/23/03. These drawings are approved by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 904673, Bideker.

In regards to claim 1, Bideker discloses a swivel joint for connecting to a water line in a plumbing accessory outlet, the joint comprising:

a first member (B) having an externally milled barrel and a second member (A) having an internally milled barrel,

wherein the second member accommodates the first member in a leak-proof yet relatively rotatable relationship,

wherein the first and second members are held together by a cylindrically shaped housing (C) that is rotatably engaged with one member and receives the milled barrel of the other member within the housing and is adjustably engaged with the other member whereby adjustment of the collar enables the tightening of the swivel joint.

Art Unit: 3679

In regards to claim 2, Bideker discloses a recess being formed in the externally milled barrel of the first member which accommodates an o-ring (d).

In regards to claim 3, Bideker discloses the barrel of the first member being tapered to facilitate assembly with the second member which has a complementary taper.

In regards to claim 4, Bideker discloses the second member being adapted for connecting to a water line and the first member being adapted for connecting to an attachment.

In regards to claim 6, Bideker discloses the attachment being a shower head.

In regards to claim 7, Bideker discloses the first member being integrally formed on an attachment.

In regards to claim 8, Bideker discloses the attachment being a shower heat

In regards to claim 9, Bideker discloses the second member being integrally formed on the water line.

Claims 14-18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4927188, Sands.

In regards to claim 14, Bedeker discloses a swivel joint for connecting to a water line in a plumbing accessory outlet, the joint comprising:

a first element (14) having a barrel with an externally projecting milled face, and
a second element (10) having a barrel with an externally projected milled face,

wherein a resiliently deformable sealing member (52) is accommodated in one of the faces, and the first and second elements are held together in face-to-face relatively rotatable relationship by means of a cylindrically shaped housing;

wherein the cylindrically shaped housing is rotatably engaged with one member and receives the milled barrel of the outer member within the housing and is adjustably engage with the other member whereby adjustment of the collar enables the tightening of the swivel joint.

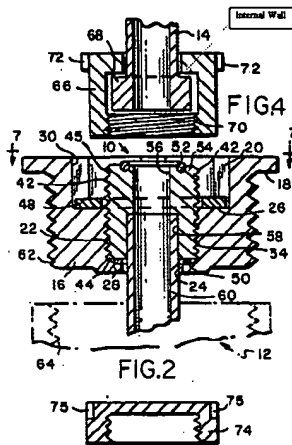
In regards to claim 15, Bedeker discloses the resiliently deformable sealing member being an o-ring.

In regards to claim 16, Bedeker discloses the o-ring being located in a recess formed in the face of the second element.

In regards to claim 17, Bedeker discloses the second element being adapted (capable) for connecting to a water line and the first element being adapted for connecting to an attachment

In regards to claim 18, Bedeker discloses the attachment being a shower head.

In regards to claim 21, Bedeker discloses the housing including an internal wall (see Figure 2 below), offset from one end of the housing, with an opening therethrough.



Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-9, 12, 14-18 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3679

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd



Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670